

J. Rod McCutcheon, B.S., F-ABFT

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Hoblit Darling Ralls Hernandez & Hudlow LLP
Attention: Mark Ralls
6243 IH 10 West, Ste. 601
San Antonio, Texas 78201

Re: Civil Action No. 5:19-CV-1091-OLG; Gasper D. Guzman, et al. v. City of San Antonio, et al.; In the United States District court of the Western District of Texas in the San Antonio Division.

Dear Mr. Ralls:

You have provided the following material for my review in connection with the above referenced matter:

1. Plaintiffs' First Amended Original Complaint;
2. Bexar County Medical Examiner's Office records for Gaspar David Guzman;
3. City of San Antonio EMS/Fire Department records;
4. San Antonio Police Department Investigative file records, OFFICERS.000001 – OFFICERS.000357;
5. San Antonio Police Department records Procedure 512, OFFICERS.000357 – OFFICERS.365
6. Internal Affairs Video Clips
 - a. Officer Jordan Diehl's COBAN and Body Worn Camera (BWC) footage;
 - b. Sgt. Kris Maurice's BWC footage;
 - c. Officer Ashley Ortiz's BWC footage;
 - d. Officer Christopher Potts' BWC footage;
 - e. Officer Robert Rodriguez's BWC footage;
 - f. Officer George Valdes' BWC footage;
 - g. Officer Angel Espinosa's BWC footage;
 - h. Officer Robert Harralson's BWC footage;
 - i. Home Security Video;
 - j. Audio recordings of Officers Harralson and Espinosa;

Page 2 of 3 – McCutcheon Report, Guzman v. COSA

I am a forensic toxicologist with Fellow certification through the American Board of Forensic Toxicology since 1978. I worked for the Texas Department of Public Safety for twenty years, serving as the supervisor of toxicology for ten years. I served thirteen years as the chief toxicologist for the Travis County Medical Examiner's office in Austin, Texas, and seven years as the chief toxicologist for the Bexar County Medical Examiner's Office in San Antonio, Texas. Since retiring from the Bexar County Medical Examiner's Office in February of 2011, I have continued to provide consulting services as a forensic toxicologist. (CV Attached).

In my capacity as a forensic toxicologist at these institutions, I performed toxicological analyses on blood, urine, and other biological specimens, taken from living and deceased patients, to determine the presence or absence of alcohol, licit and illicit drugs, and poisons. My duties have also required interpretation of the toxicological findings in relation to evaluating impairment of mental and physical abilities, as well as contribution to the cause of death. I have testified as an expert witness in State and Federal jurisdictions on many occasions over the past forty-nine years (Testimony List Attached)

The San Antonio Police Department investigative files indicate Mr. Gaspar David Guzman called for police assistance at 9:47 p.m., on May 12, 2018. He stated that there was a group of guys in front of the house trying to beat him up. Mr. Guzman called from the home of Miguel and Claudia Romero, where he had been attending a birthday celebration. When police officers arrived Mr. and Mrs. Romero offered to drive Mr. Guzman to his home, because he was too intoxicated to drive.

Mr. Guzman refused getting into the Romero's vehicle and was placed under arrest. He continued to resist arrest and was eventually taken to the ground, tased, and placed in handcuffs. While waiting for a transport vehicle, Mr. Guzman continued to resist arrest and was held on the ground. Due to the use of a Taser, EMS was requested. When EMS arrived, Mr. Guzman refused to be evaluated.

As several officers were holding Mr. Guzman on the ground, he stopped talking to the officers and became unresponsive. EMS was recalled to the scene, but they were not able to revive Mr. Guzman.

An autopsy was performed on the body of Mr. Guzman by the Bexar County Medical Examiner's Office the following morning. The Medical Examiner report indicates Mr. Guzman died as the result of cocaine use with cardiomegaly, exacerbated by a terminal physical struggle with other individuals. The Bexar County Medical Examiner's Toxicology Laboratory report indicates the following findings:

Page 3 of 3, McCutcheon Report – Guzman v. COSA

Blood-Femoral	Ethanol	0.101 g/dL
Vitreous	Ethanol	0.117 g/dL
Blood-Femoral	Cocaine	0.97 mg/L
Blood-Femoral	Cocaethylene	0.18 mg/L
Blood-Femoral	Benzoylcegonine	> 1.0 mg/L
Blood-Femoral	Levamisole	Detected
Blood-Femoral	EME	Detected

Ethanol is the type of alcohol found in alcoholic beverages, and will be referred to as “alcohol” in this report. Mr. Guzman’s blood alcohol concentration of 0.101 g/dL is slightly greater than the 0.08 g/dL “driving while intoxicated” legal limit in Texas. Mr. Guzman’s blood cocaine concentration of 0.97 mg/L indicates recent use of cocaine. Cocaethylene is an active metabolite of cocaine, created in the body when cocaine is used along with alcohol.

Cocaine is a naturally occurring compound extracted from the “coca” plant, found primarily in South America. Cocaine is a central nervous system stimulant that is abused for its euphoric effects, including feelings of self-confidence and increased energy. Undesirable side effects of cocaine abuse include agitation, paranoia, hallucinations, depression, and aggressive behavior. Death can occur minutes to hours after agitation and aggressive behavior ceases, and often occurs when the person is restrained. Individuals with underlying heart conditions may be more susceptible to the toxic effects of cocaine.

In my opinion, within reasonable toxicological probability, Mr. Guzman was experiencing toxic effects of cocaine, cocaethylene and ethanol at the time of his death, and his use of cocaine and alcohol was a contributing factor in his death.

The opinions expressed in this report are based on the material reviewed at the time of the report. If additional material becomes available for review, I reserve the right to revise or supplement these opinions.

Sincerely,



J. Rod McCutcheon

References:

1. Baselt, R.C. (2008) *Disposition of toxic drugs and chemicals in man*. 11th edition. Foster City, CA: Biomedical Publications. pp. 527-531.
2. Isenschmid, D.S. Cocaine – Effects on human performance and behavior. *Forensic Sci Rev*. 14:15; 61-100, 2002.
3. Karch, S.B. (2016) *Karch's Pathology of Drug Abuse*. 5th edition. CRC Press, Taylor & Francis Group, Boca Raton, FL PP. 1-176.